

Equality and Human Rights Impact Assessment (EqHRIA) Summary of Results

Policy / Practice	Criminal Justice (Scotland) Act 2016 Arrest Process SOP
Owning Department	Criminal Justice Services Division
Date EqHRIA Completed	04/06/2018
Purpose of Policy / Practice	To provide guidance to Police Officers and Police Staff Members in relation to the Criminal Justice (Scotland) Act 2016.

A. Summary of Analysis / Decisions - What the assessment found and actions already taken.

The assessment of this SOP found that it will have a positive impact on most of the protected characteristic.

In addition this procedure protects Articles 2, 3, 5, 6, 8 and Protocol 1 Article 1 of the Human Rights Act. Articles 8, Protocol 1 Article 1 and 11 are also infringed however all is covered by local legislation.

The practices outlined in this SOP will be carried out by Police Officers in relation to persons arrested. There is some guidance in relation to arrested persons who have been cautioned and charged (Officially Accused) but the main guidance contained in the SOP is in relation to persons who have been arrested as suspects (Not Officially Accused) This SOP ensures that all persons arrested are legislatively dealt with in a legal manner. A number of internal and external partners including Legal Services, COPFS, Scottish Legal Aid Board and the Scottish Government were all asked for assistance and their legal position on certain aspects of the Act which they provided and were taken on Board with ultimately Police Scotland Legal Services providing the final position of the SOP and Police Scotland. This SOP was read and signed off by Legal Services and Criminal Justice Services Division and was published for the commencement date of the Act on 25th January 2018.

B. Summary of Mitigation Actions - What else we plan to do and how we are going to check that it has been done.

As of 25th January 2018, the SOP was published to support all officers in operational and practical elements of the Act. The responsibility of the SOP sits with Criminal Justice Services Division Policy Support Unit. There are 6 Custody Review Inspectors (CRIs) with a Chief Inspector sitting above them with responsibility for the 6 CRIs and 5 Force Custody Inspectors amongst other areas. If there are any areas within the SOP that require to be updated this will be assessed by the CRIs or Policy Support.

Cross Border guidance has already been updated by CRI Harrison within the SOP and CI Brodie, Policy Support has already updated another smaller area of the SOP. This has gone through Policy Support.

Further areas that are subject to ongoing evaluation which may be updated in the future are exceptional circumstances, Investigative Liberation and Curfew Conditions. These are all being monitored and will be updated as and when required by their current owners.

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Review Date		Review Date	
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